

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL F. RAMSEY,

Plaintiff,

v.

**DECISION AND ORDER**  
14-CV-147-A

BRIAN FISCHER, MARK BRADT,  
MICHELLE ARTUS, S. MICHALEK,  
L. CONNORS, J. GOODRICH,  
V. HAWLEY, OFFICER WAGNER,  
G. PRITCHARD, JOHN DOE #2,  
and J. KOVACS,

Defendants.

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This prisoner's *pro se* civil rights case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On January 18, 2018, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 26), recommending that Defendants' motion to dismiss (Dkt. No. 11) be granted in part and denied in part, and that Plaintiff's motion to reinstate a previously dismissed due process claim (Dkt. No 17) be denied.

On January 31, 2018, Defendants filed objections to the Report and Recommendation (Dkt. No. 27). *Pro se* Plaintiff Michael F. Ramsey filed a response on March 29, 2018 (Dkt. No. 31), and Defendants filed a reply on April 12, 2018 (Dkt. No. 32). The matter was deemed submitted without oral argument.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo*

determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, Defendants' motion to dismiss is granted in part and denied in part, and Plaintiff's motion to reinstate the previously dismissed due process claim is denied. Defendants' requests for clarification may be renewed before the Magistrate Judge. Accordingly, it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, Defendants' motion to dismiss is granted in part and denied in part, and Plaintiff's motion to reinstate his previously dismissed due process claim is denied.

The case is referred back to Magistrate Judge Foschio for further pretrial proceedings consistent with the Court's referral Order.

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 17, 2018